

New Jersey Noise Control Council

Minutes

September 13, 2005

Attendees: Joe Lepis, Joe Soporowski, Carol Pennenga, Mike Lakat, Renu Agrawal, Norm Dotti, Chief Muller, Dr. Udasin, Eric Zwerling

Meeting began with a moment of silence in remembrance of 9/11/01 and the victims of Hurricane Katrina.

The progress of the state code revisions is unknown. DEP will not be in attendance today. They did resubmit the old code so it has probably been readopted.

November 8 is Election Day. So we may change the meeting date or substitute a stakeholders meeting on Off Road Vehicles.

League of Municipalities: On November 17 from 2-4 pm we need someone to man a Noise consulting table, Norm Dotti agreed to check his availability. Dr. Udasin, Eric Zwerling, Joe Lepis & David Triggs will be giving a presentation on November 15th.

Idling Enforcement

A consistent law for idling is needed. Right now the air rule doesn't help noise and refrigeration units are exempt. DMV rules are unknown. If a vehicle is idling on a public or semi-public roadway only police can issue due to "curbing rule, and police can't issue a summons and if it is a commercial location, only health/environmental can.. Joe Lepis is suggesting we invite representatives from the Clean Air Council and Mike Klewin to resolve these issues.

Affected Party Definition

Joe Lepis described a noise situation in which the definition of Affected Party was in question. A commercial property rented a piece of its property to a neighbor to use as a garden and the neighbor then had a complaint about noise from an adjoining liquor store. Since the complainant is only paying a nominal rental fee, Joe asked whether he can really be considered an affected party? After extended discussion, the Council felt that because he has a rental agreement, no matter how nominal, the complainant is an affected party. But since the rented property is still considered a commercial property, the noise would not be in violation of the state noise code.

Off Road Vehicles

Several issues arise when considering regulation of Off Road Vehicles.

1. What vehicles are covered? It was felt that it is anything with an internal combustion engine that is operated in any location other than a public right of way including but not limited to scooters, motorbikes, 4-wheel drive, 4-wheel drive with plows, and snowmobiles.
2. What type of code would be best? Time of day, dB, Distance, and how do you deal with emergency vehicles?
3. Measurement Technique - 25ft from vehicle, 45 degree angle, 4 directions, reflective surfaces? And who will enforce?
4. Can we advise jurisdictions that other mechanisms are available to address the issue such as rules like no child under 18 can operate a vehicle.
5. What about public lands vs private lands?

State law provides that personal watercraft is under the jurisdiction of the Marine Police and they refuse to enforce noise regulations. It is possible that a boat tied to a dock can be considered part of the property and can be issued a summons. What if the dockowner has a riparian grant and actually owns the water off his property?

Chief Muller made a motion that the Noise Control Council draft a resolution to support legislation allowing municipalities to enforce state marine regulations regarding noise. Motion was seconded by Joe Soporowski. A vote was held and the motion passed unanimously.

Further discussion on marine enforcement issues ensued but no further votes taken.

A discussion of the League of Municipality resulted in Norm Dotti volunteering for the education section on Thursday Nov 17th PM as Joe Lepis was already attending Tuesday Nov 15th for the presentation to government officials.